

KAREN A. CONNOLLY, LTD.

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8 *Attorney for Jan Rouven Fuechtener*

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 JAN ROUVEN FUECHTENER,

12 Defendant.

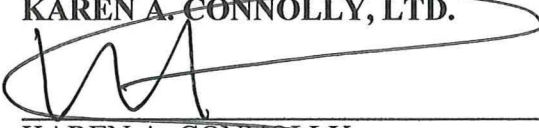
CASE NO.: 2:16-CR-100-GMN-CWH

**SECOND MOTION TO
WITHDRAW AS COUNSEL**

13 COMES NOW, KAREN A. CONNOLLY, of the law office of KAREN A. CONNOLLY,
14 LTD., counsel for Defendant, JAN ROUVEN FUECHTENER, and hereby files this *Second Motion*
15 *to Withdraw as Counsel*. This motion is made and based upon the pleadings and papers on file
16 herein, the following Points and Authorities and any evidence adduced at the time of any hearing
17 in this matter.

18 DATED this 24 day of September, 2018.

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25 *Attorney for Jan Rouven Fuechtener*

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MEMORANDUM OF POINTS AND AUTHORITIES

This matter was set for Sentencing on November 14, 2018. For reasons set forth in the Affidavit attached hereto, undersigned counsel seeks to withdraw as counsel for Fuechtener.

On August 14, 2018, undersigned counsel was served with a copy of *Defendant Jan Rouven Fuechtener's Motion for Release of Funds for Purposes of Retaining Specially Appearing Counsel* filed by the law firm of CHESNOFF & SCHONFELD on behalf of Fuechtener. Thereafter, undersigned submitted a Motion to Withdraw. Hearings ensued on August 31st and September 6th 2018. The motions were denied. Undersigned was appointed as CJA counsel.

During the aforementioned hearings and thereafter, undersigned counsel engaged in positive conversations with Defendant. However, representations made to undersigned by Defendant, are contradicted by representations made on Defendant's behalf in *Defendant Jan Rouven Fuechtener's Motion for Reconsideration Regarding Minute order ecf 295 Denying Defendant's Motion for Release of Funds for Purposes of Retaining Specially Appearing Counsel*. ECF 296 filed with the court on September 14, 2018. Yet another motion filed without undersigned counsel's knowledge or the courtesy of prior notification. Although there is no affidavit of Defendant attached to the pleading, it was filed on his behalf. Therefore, as an officer of the court, it is presumed that representations made by the attorney therein are true.

Since discussions with Defendant are attorney client privileged, undersigned will not divulge the content of relevant communications with Defendant except in a closed hearing. What can be disclosed is that Defendant's actions have and are continuing to cause a severe strain on the attorney- client relationship. There has been an irretrievable break down in communication and trust between attorney and client.

Local Rule IA 11-6 (b) states, No attorney may withdraw after appearing in a case except by leave of court after notice is served on the affected client and opposing counsel. Undersigned counsel is seeking to withdraw as counsel.

There has been a breakdown in communication and trust between counsel and Defendant resulting in irreconcilable conflict. See, United States v. Smith 282 F.2d 758, 764 (9th Cir. 2002); United States v. Corona-Garcia, 210 F.3d 973, 976 (9th Cir. 2000); United States v. Mills, 597 F.2d

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693, 700 (9th Cir. 979)

Furthermore, ("NRPC") 1.16 provides, in pertinent part as follows:

Rule 1.16. Declining or Terminating Representation.

(b) Except as stated in paragraph ©, a lawyer may withdraw from representing a client if:

(4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement;

(6) The representation will result in an unreasonable financial burden on the lawyer or *has been rendered unreasonably difficult by the client; or*

(7) *Other good cause for withdrawal exists.*

Defendant has caused his ongoing representation by counsel to be unreasonably difficult for many reasons, which undersigned does not wish to divulge in an open forum.

Under the circumstances, it is respectfully requested that this Court enter an order approving Karen A. Connolly's withdrawal as attorney for Jan Rouven Fuechtener.

DATED this 29 day of September, 2018.

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AFFIDAVIT OF KAREN A. CONNOLLY
IN SUPPORT OF SECOND MOTION TO WITHDRAW

STATE OF NEVADA)
) ss:
 COUNTY OF CLARK)

I, KAREN A. CONNOLLY, being first duly sworn, deposes and states:

That I am an attorney duly licensed to practice law in the State of Nevada and admitted to practice in the Federal Court with an office located at 6600 W. Charleston Blvd., Suite 124, Las Vegas, NV 89146.

That I was retained to represent Defendant JAN ROUVEN FUECHTENER.

On September 14, 2018, *Defendant Jan Rouven Fuechtener's Motion for Reconsideration Regarding Minute order ecf 295 Denying Defendant's Motion for Release of Funds for Purposes of Retaining Specially Appearing Counsel.* Ecf 296 was filed with the court. Yet another motion filed without prior notification to undersigned.

Representations made in the aforementioned motion are contrary to representations made to undersigned and her staff by Defendant.

Since discussions with Defendant are attorney client privileged, undersigned will not divulge the content of relevant discussions with Defendant unless compelled to do so in closed hearing. What can be said is that Defendant's actions have caused a lack of trust between Defendant and undersigned resulting in an irretrievable breakdown in the attorney client relationship.

Federal Local Rule IA 10-6 (b) states, No attorney may withdraw after appearing in a case except by leave of court after notice is served on the affected client and opposing counsel.

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1 That Fuechtener's last known address is as follows: Jan Rouven Fuechtener, #53165048,
2 Nevada Southern Detention Center, 2190 E. Mesquite Ave., Pahrump, Nevada 89060.


3 That a copy of this motion was mailed to Fuechtener on the date of its filing.

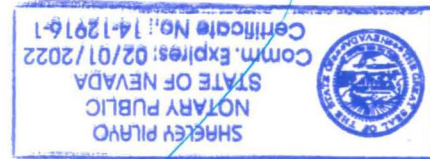
4 DATED this 26 day of September 2018.

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KAREN A. CONNOLLY

7 SUBSCRIBED and SWORN to before me
8 this 26 day of September 2018.

9 
10 NOTARY PUBLIC in and for the
11 STATE OF NEVADA, COUNTY OF CLARK



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the 26 day of September, 2018, I served a true and correct copy of the above and foregoing *Second Motion to Withdraw as Counsel* via the CM/ECF system upon the following:

☒ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

Cristina D. Silva, United States Attorney
Daniel D. Hollingsworth, United States Attorney
Elham Roohani, United States Attorney
Lisa Cartier-Giroux, United States Attorney
Mark E. Woolf, United States Attorney



an Employee of KAREN A. CONNOLLY, LTD.